

**C.R.P.(PD)No.2112 OF 2019**

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2019

C O R A M

**THE HONOURABLE MR.JUSTICE M.GOVINDARAJ**

**C.R.P.(PD)No.2112 OF 2019**

**and**

**C.M.P.No.13660 OF 2019**

Anachandiram Primary Agricultural  
Co-operative Bank, rep. by its Secretary  
C.Govindarajan  
Shoolagiri Town and Taluk,  
Krishnagiri District.

... Petitioner

1.Haneef  
2.Arabjan

**Vs.**

... Respondents

**PRAYER:** Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the order and decretal order passed in I.A.No.1 of 2019 in O.S.No.154 of 1996 on the file of the District Munsif Cum Judicial Magistrate No.1 Court, Hosur dated 03.06.2019.

For Petitioner  
For respondents

: Mr.Jagadish.C  
: Mr.V.Nicholas

**ORDER**

Originally the suit was filed by the Co-operative Society for declaration of title and recovery of possession against the defendants. Surprisingly in the year 2018, the larger relief sought for by society was given up and the suit was amended as one for permanent injunction restraining the defendant from disturbing the possession. The entire nature of the suit has been changed.

2. It is the contention of the learned counsel for the petitioner that it was at the instance of the office bearers, the suit was amended in their personal over the property. Further, the amendment petition was filed by the petitioner/ plaintiff Society for restoring the relief which was dismissed by the trial Court. Against which the present revision petition is preferred.

3. The learned counsel for the respondents 1 to 5 would contend that the amendment was subsequent on the compromise entered between the plaintiff and the sixth defendant. After a period of 25 years, when the suit is posted for P.W.1 cross examination, it is not open to the petitioner to amend the plaint and redo the entire exercise.

4. I have considered the rival contentions.

5. It is a clear case of the plaintiff that the eastern and western portions of the property of the Co-operative Society were encroached by the defendants 1 to 6 and that they sought for declaration of title and recovery of possession. By the amendment which was made in the year 2018, the entire relief sought for by the plaintiff was given up and the suit was converted to one of the injunction suit. The reason adduced by the learned counsel for the petitioner that it is the case of collusion and political interference against the interest of society. Then the plaint was made to Joint Registrar of Co-operative Societies at whose intervention the amendment stands to a reason.

6. In the considered opinion of this Court, the Agriculture Cooperative Bank, which is dealing with public money, cannot give up its right on the erroneous activities of the Officials and the amendment which was made in the year 2018 appears to be the out come of collusion at the instance political interference. Therefore, in the interest of justice, this Court is inclined to set aside the order passed by the trial Court I.A.No.1 of 2019 in O.S.No.154 of 1996, dated 03.06.2019.

7. Accordingly, the original plaint in O.S.No.154 of 1996, dated 15.11.1994 on the file of District Munsif Court, Hosur, stands restored. A direction is given to the District Munsif Court, Hosur to frame issues on the basis of the original plaint and complete the trial within a period of three months from the date of receipt of copy of this order.

8. In fine, The civil revision petition is ordered. No costs. Consequently, connected civil miscellaneous petition is closed.

**02.07.2019**

Index: Yes / No  
Speaking order / Non-speaking order  
bkn/tk

To

सत्यमेव जयते

1. The District Munsif Cum Judicial Magistrate No.1 Court, Hosur.

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**M.GOVINDARAJ, J.**

bkn/tk



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